

18.06.2026
Court No.28
Item No.39
tbsr
Reject

CRM (A) 1659 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Murutia** P.S. Case No. **204 of 2024** dated **08.07.2024** under Sections **103/117(2)/118(2)/329/3(5)** of the BNS, 2023.

And

In the matter of: Sushanta Mallick & Ors.

....Petitioners.

Mr. Asraf Mondal
...for the petitioners.

Mr. Soumya Raha
....for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case. Initially, 12 persons were specifically named in the FIR by an injured eye-witness. The present petitioners were not named therein. The FIR itself was lodged six days after the incident. A charge sheet was submitted on 07.10.2024 against the said 12 accused. However, surprisingly, on 08.05.2026, a supplementary charge sheet was filed by the Investigating Officer arraigning the present petitioners as accused. There are case and counter case.

Learned counsel appearing on behalf of the State relies on the case diary and strongly opposes the prayer for anticipatory bail. It is indeed very surprising that the Investigating Officer admitted his mistake in not naming the petitioners in the charge sheet and filed a supplementary charge sheet incorporating their names, because much prior to this, in the year 2024, statements of other witnesses

had already been recorded before the learned Magistrate, which clearly named the present petitioners as participants in the act. He refers to the statements of two such witnesses recorded before the learned Magistrate on 05.08.2024, present at pages 124 and 125 of the case diary. He also refers to the statements of other witnesses recorded by the police, where the names of the petitioners have been taken.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)